

IN THE CIRCUIT COURT OF PHILLIPS COUNTY, ARKANSAS
CIVIL DIVISION

GLORIA MICHELLE SELF

PLAINTIFF

VS.

NO. 54-CV-2014-22

BOYD GAMING CORPORATION, d/b/a
SAM'S TOWN HOTEL & CASINO-TUNICA

DEFENDANT

COMPLAINT

Comes the Plaintiff, Gloria Michelle Self, (hereinafter referred to as either "Self" or "Plaintiff"), by her attorney, Louis Etoch of the Etoch Law Firm, and for her Complaint against the Defendant, Boyd Gaming Corporation, (hereinafter referred to as either "Boyd Gaming" or "Defendant), states:

I. STATEMENT OF JURISDICTION

1. Plaintiff is a citizen and resident of Phillips County, Arkansas.
2. Boyd Gaming is a corporation and may be served with process through its registered agent, Toni Burns, 1477 Casino Strip Blvd., P.O. Box 220, Robinsonville, MS 38664. Boyd Gaming is a foreign corporation that is authorized to conduct business in the State of Mississippi and does conduct business in the State of Mississippi. Boyd Gaming has its principle offices in Las Vegas, Nevada. Additionally, at all times mentioned herein, the Defendant, Boyd Gaming, was operating as a casino and gambling hall located in Robinsonville, Tunica County, Mississippi. Boyd Gaming operated for the use of the general public. Boyd Gaming's casino and

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At 10:00 O'Clock L M
JAN 17 2014
LYNN STILLWELL
PHILLIPS COUNTY CIRCUIT CLERK
By _____ D.C.

gambling hall is on the bank of the Mississippi River between the border of Mississippi and Arkansas. Boyd Gaming solicits and invites Arkansas residents to its establishment in a systematic and complex way through advertising and solicitation. Boyd Gaming has substantial contact with the State of Arkansas and its residents.

3. Jurisdiction and venue are proper in this Court pursuant to Ark. Code Ann. §16-60-108 and §16-60-112.

4. On or about the 6th day of June, 2013, Plaintiff was a customer and patron at Boyd Gaming's Sam's Town Hotel & Casino-Tunica. On said date Gloria Self was staying in the Hotel and was using the pool and hot tub amenities. Ms. Self left the pool area and attempted to step down into the hot tub. When Ms. Self stepped down into the water, she grabbed the rail with her right hand and stepped to the left of the rail. It appeared that there was or should have been a step to the left of said rail when in reality, the only step was to the right of said rail. Any right handed person would grab the rail with their right hand and step in the hot tub on the left side of the hand rail. The first step on the right side of the rail is approximately 10" into the water while the first step on the left side of the rail is approximately 20" into the water. It is also believed and therefore alleged there was already a towel laying on the step to the left of the handrail. As such, Ms. Self slipped and fell violently onto the hot tub. There were inadequate warnings to show there was no step on the left side of the handrail. Additionally, the blue and white design of the interior of the hot tub clashes with the blue and white towel that was in the hot tub. The hot tube created a danger that was either known by Boyd Gaming or reasonably should have been known by Boyd Gaming because it was defectively designed in a manner with no first step to the left of the hand rail and Boyd Gaming negligently picked a towel color that

could not reasonably be seen in the hot tub water. These dangerous conditions were concealed to Ms. Self and patrons of Boyd Gaming utilizing the hot tub.

5. Boyd Gaming carelessly and negligently allowed a large towel to remain on the step of the hot tub and negligently and defectively designed and placed the handrail and steps on said hot tub, causing an extremely hazardous and dangerous condition. Defendant knew or should have known that the defective design of the hot tub steps and defective placement of the handrail and negligently allowing a towel to remain in the bottom of the hot tub posed a danger to Plaintiff.

6. Said towel, defective step design and defective placement of the handrail, and lack of adequate warnings, caused Plaintiff to slip and fall violently and forcefully to the hard hot tub. Plaintiff's violent fall is recorded on video surveillance maintained by Defendant.

7. Defendant carelessly and negligently maintained a dangerous and unsafe condition which exposed patrons/customers/business invitees of its establishment to undue harm and dangers. Ms. Self, at the time of this fall, was a patron/customer/business invitee at Boyd Gaming's casino and gambling hall.

8. Defendant operated its establishment in such a negligent manner that as a proximate result, Plaintiff sustained severe and permanent injuries to her back, abdomen, ribs, buttocks, arm, leg and foot, as well as a shock to her entire nervous system, causing her to experience excruciating mental and physical pain and suffering. Ms. Self was taken by ambulance to the BMH-Desoto for treatment of her injuries.

9. As a proximate result of said injuries, Plaintiff was compelled to and did incur expenses for medical care, hospitalization and other expenses. Attached hereto, incorporated

herein by reference and marked Exhibit "A" is a list of the itemized medical and special expenses incurred by Plaintiff as of this date, totaling \$4,485.38. As a further result of said injuries, Plaintiff has undergone excruciating pain and suffering in the past and will continue to undergo such pain and suffering in the future.

10. Plaintiff requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED the Plaintiff, Gloria Michelle Self, prays for judgment against the Defendant, Boyd Gaming, for the following:

- (a) \$4,485.38 for the medical and special expenses incurred to this date by Plaintiff with 6% interest until the time of trial;
- (b) For an amount undetermined at this time, but to be determined at trial, said amount being in excess of minimum amount required for diversity of jurisdiction in Federal District Court, for Gloria Self's injuries to her neck, back, ribs, abdomen, buttocks, legs and arms, and to her entire nervous system; said amount including her excruciating pain and suffering and mental anguish experienced in the past and that which she will undergo in the future; and for her continuing medical expenses, which will be incurred in the future;
- (c) Her costs, a reasonable attorneys' fee, and all proper relief this Court may find Plaintiff entitled in these premises.

Respectfully Submitted,
LOUIS A. ETOCH, P.A.

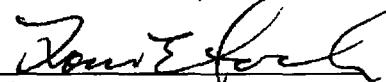
By: 
Louis A. Etoch (89030)
Attorney at Law
P.O. Box 100 - 727 Cherry St.
Helena, AR 72342
(870) 338-3591

Exhibit "A"

MEDICALS & SPECIALS

GLORIA "MICHELLE" SELF

DATE OF ACCIDENT: 6-6-13

Pafford Ambulance, 6-6-13	\$1,218.80
Baptist-Desoto, 6-7-13	811.03
SE Emerg. Phys., e.r. doctor, 6-7-13	
Mid-South Imaging, 6-7-13	42.00
Dr. Scott Hall, 6-11-13 & 6-19-13	160.00
Helena Reg. Med. Ctr., 6-11-13	252.74
Helena Imaging, 6-11-13 & 6-20-13	234.00
Helena Reg. Med. Ctr., 6-20-13	<u>1,766.81</u>
Total as of 10-21-13	\$4,485.38